



May 15, 2009

Health Department

Attn: Ms. Christine Connolly Sharkey, Director of Health & Human Services  
27 Maple Street  
Arlington, Massachusetts 02476

**RE: Notification of Completion of Phase IV Remedy Implementation Plan**

**19 Rear Park Avenue  
Arlington, Massachusetts  
RTN# 3-24864**

135 Lafayette Road  
Suite 11  
No. Hampton, NH  
03862  
603-964-3788  
FAX 603-964-3792  
[www.gza.com](http://www.gza.com)

Dear Ms. Connolly Sharkey:

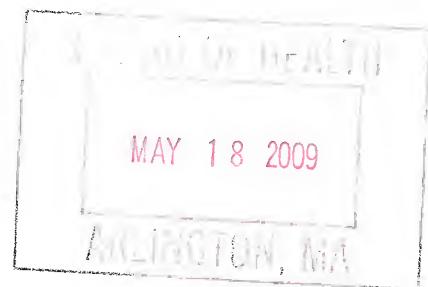
In accordance with 310 CMR 40.1403(3)(e), GZA GeoEnvironmental, Inc., on behalf of Coventry Builders, LLC, is providing this written notice to you that a Phase IV Remedy Implementation Plan (RIP) has been submitted to the Massachusetts Department of Environmental Protection (MADEP). Concentrations of PCBs, total lead, polynuclear aromatic hydrocarbons, and pesticides in soil, primarily from the upper two feet, exceed the Method 1 S-1 standards and require remediation prior to site redevelopment. The Comprehensive Remedial Action specified in the Phase IV RIP is excavation and off-site disposal of impacted soils at an Environmental Protection Agency (EPA)- and MADEP-approved facility. A copy of the Phase IV RIP is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-694-3200, by visiting the file review office located at 205B Lowell Street in Wilmington, Massachusetts, or by going to [http://public.dep.state.ma.us/wsc\\_viewer/](http://public.dep.state.ma.us/wsc_viewer/). If you have any questions, or require additional information, please contact this office.

Sincerely,  
**GZA GeoEnvironmental, Inc.**

*Karen D. Leavitt*

Karen D. Leavitt  
Project Manager

cc. BWSC/NERO  
Coventry Builders, LLC





February 17, 2009

Health Department  
Attn: Ms. Christine Connolly Sharkey, Director of Health & Human Services  
27 Maple Street  
Arlington, Massachusetts 02476

**RE: Notification of Completion of Phase 3 Remedial Action Plan**  
**19 Rear Park Avenue**  
**Arlington, Massachusetts**  
**RTN# 3-24864**

135 Lafayette Road  
Suite 11  
No. Hampton, NH  
03862  
603-964-3788  
FAX 603-964-3792  
www.gza.com

Dear Ms. Connolly Sharkey:

In accordance with 310 CMR 40.1403(3)(e), GZA GeoEnvironmental, Inc., on behalf of Coventry Builders, LLC, is providing this written notice to you that a Phase III Remedial Action Plan has been submitted to the Massachusetts Department of Environmental Protection (MADEP). Concentrations of chromium, nickel, cadmium, arsenic, lead, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, tetrachloroethene, vinyl chloride, cis-1,2-dichlorethene, and PCBs have been detected above Method 1 standards. These contaminants have impacted soil and groundwater at the Disposal Site and require remediation. There are no Exceedences of the Upper Concentration Limits in the groundwater. Soil has been significantly impacted by surface releases of waste oil, hydraulic oil, and motor oil. The recommended remedial alternative is excavation and off-site disposal of impacted soil, and bioremediation or chemical oxidation of impacted groundwater. A copy of the Phase III is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-694-3200, by visiting the file review office located at 205B Lowell Street in Wilmington, Massachusetts, or by going to [http://public.dep.state.ma.us/wsc\\_viewer/](http://public.dep.state.ma.us/wsc_viewer/). If you have any questions, or require additional information, please contact this office.

Sincerely,  
**GZA GeoEnvironmental, Inc.**

A handwritten signature in blue ink that reads 'Karen D. Leavitt'.

Karen D. Leavitt  
Project Manager

cc. BWSC/NERO  
Coventry Builders, LLC

FEB 19 2009

November 25, 2008



Health Department  
Attn: Ms. Christine Connolly Sharkey, Director of Health & Human Services  
27 Maple Street  
Arlington, Massachusetts 02476

**RE: Notification of Completion of Phase 2 Comprehensive Site Assessment**  
19 Rear Park Avenue  
Arlington, Massachusetts  
RTN# 3-24864

135 Lafayette Road  
Suite 11  
No. Hampton, NH  
03862  
603-964-3788  
FAX 603-964-3792  
www.gza.com

Dear Ms. Connolly Sharkey:

In accordance with 310 CMR 40.1403(3)(e), GZA GeoEnvironmental, Inc., on behalf of Coventry Builders, LLC, is providing this written notice to you that a Phase II Comprehensive Site Investigation has been submitted to the Massachusetts Department of Environmental Protection (MADEP). Concentrations of chromium, nickel, cadmium, arsenic, lead, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, tetrachloroethene, vinyl chloride, cis-1,2-dichlorethene, and PCBs have been detected above Method 1 standards. These contaminants have impacted soil and groundwater at the Disposal Site and require remediation. There are no Exceedences of the Method 1 GW-3 standards or Upper Concentration Limits in the groundwater. Soil has been significantly impacted by surface releases of waste oil, hydraulic oil, and motor oil, and remediation of these soils will be required. A copy of the Phase II is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-694-3200, or by visiting the file review office located at 205B Lowell Street in Wilmington, Massachusetts. If you have any questions, or require additional information, please contact this office.

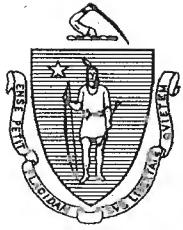
Sincerely,  
**GZA GeoEnvironmental, Inc.**

*Karen D. Leavitt*

Karen D. Leavitt  
Project Manager

cc. BWSC/NERO  
Coventry Builders, LLC





COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHEAST REGIONAL OFFICE  
205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK  
Governor

IAN A. BOWLES  
Secretary

TIMOTHY P. MURRAY  
Lieutenant Governor

LAURIE BURT  
Commissioner

CERTIFIED MAIL  
7008 0150 0002 0524 2286

September 10, 2008

Coventry Builders, LLC  
37 Commonwealth Road  
Watertown, MA 02472

RE: **ARLINGTON**  
19 Rear Park Avenue  
MassDEP RTN 3-24864  
NON-NE-08-3C012

Attn: Edward Hovsepian, Manager

**NOTICE OF NONCOMPLIANCE WITH THE MCP**

**THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN  
RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL  
CONSEQUENCES.**

Dear Mr. Hovsepian,

The Massachusetts Department of Environmental Protection's (MassDEP's) records indicate that Coventry Builders, LLC (hereinafter referred to as "you" or "your") is a Potentially Responsible Party (PRP) for the site named above which is classified Tier II pursuant to 310 CMR 40.0500. As you are aware, the Tier II Classification authorizes you to undertake response actions at the subject site in order to address a release of oil and/or hazardous material. This Notice of Noncompliance (NON) informs you that you are not in compliance with the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000. **An Administrative Penalty may be assessed for every day from now on that you remain in noncompliance.**

As of the date of this NON, you are not in compliance with each citation checked below:

**Violation 1:** You have failed to submit to MassDEP a Phase II Report, and, if applicable, a Phase III Remedial Action Plan. Such submittals were due within two years of the effective date of the initial Tier II Classification as is required by 310 CMR 40.0560(2)(b).

Notice of Noncompliance  
Arlington, 19 Rear Park Avenue; RTN 3-24864

- Violation 2:** You have failed to submit to MassDEP a Phase IV Remedy Implementation Plan. A Phase IV Plan was due within three years of the effective date of the initial Tier II Classification as is required by 310 CMR 40.0560(2)(c);
- Violation 3:** You have failed to submit to MassDEP a Response Action Outcome (RAO) Statement pursuant to 310 CMR 40.1000. An RAO was due within five years of the effective date of the initial Tier II Classification as is required by 310 CMR 40.0560(1) and 40.0560(2)(d).

**To return to compliance and avoid an Administrative Penalty of up to \$1,000 per day for each violation checked above, submit to MassDEP the documents, information and/or forms that are missing for each violation checked above within 60 days of your receipt of this NON.**

Notwithstanding this Notice of Noncompliance, MassDEP reserves the right to exercise the full extent of its legal authority to obtain full compliance with all applicable requirements, including but not limited to, criminal prosecution, civil action including court-imposed civil penalties, and administrative penalties issued by MassDEP.

If you have any questions, please contact **John Zupkus at (978) 694-3387.**

*This final document copy is being provided to you electronically by the Massachusetts Department of Environmental Protection. A signed copy of the original document is on file at the Mass DEP office listed on the letterhead.*

---

Stephen M. Johnson, Deputy Regional Director  
Bureau of Waste Site Cleanup

Enclosures: REGULATIONS YOU HAVE NOT COMPLIED WITH  
FREQUENTLY ASKED QUESTIONS

Cc: Data Entry/File, (C&E/NON)

Cc via email:

Mr. Frank Vetere (LSP), [frank.vetere@gza.com](mailto:frank.vetere@gza.com)  
Health Department, Ms. Christine Connolly (Director), [cconnolly@town.arlington.ma.us](mailto:cconnolly@town.arlington.ma.us)  
Arlington Board of Selectmen, Ms. Marie Krepelka (Chair),  
[mkrepelka@town.arlington.ma.us](mailto:mkrepelka@town.arlington.ma.us)





# GEMINI GEOTECHNICAL ASSOCIATES, INC.

*Geotechnical and Environmental Engineers and Consultants*

May 2, 2006

Town Manager  
Attn: Brian F. Sullivan  
Town Hall Annex, First Floor  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: Notification of Initial Site Investigation and Tier II Classification**

**19 Rear Park Avenue  
Arlington, Massachusetts  
RTN# 3-24864**

Dear Mr. Sullivan:

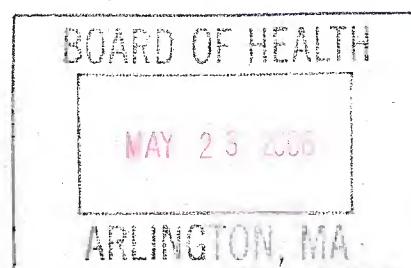
In accordance with 310 CMR 40.1403(3)(e), Gemini Geotechnical Associates, Inc., on behalf of Coventry Builders, LLC, is providing this written notice to you that an Initial Site Investigation has been completed for the above-referenced property. In the Phase 1 Initial Site Investigation and Tier Classification Report, it was concluded that "additional response actions are required at this site prior to the submittal of a Response Action Outcome Statement. Soils at depths ranging from 0 to 7 feet bgs have been contaminated with heavy metals, PCBs, pesticides, VOCs, and PAH, with the highest concentrations detected in the center of the site near the former automotive garage. To date, no groundwater contamination has been detected at the site, and there are no surface water bodies, sediments, or indoor air concerns. Based on the absence of inclusionary criteria and a Numerical Ranking System score of 206, this site is a Tier II site". A copy of the Initial Site Investigation and Tier Classification Report is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-694-3200, or by visiting the northeast file review office located at 205B Lowell Street in Wilmington, Massachusetts. If you have any questions, or require additional information, please contact this office.

Sincerely,  
**GEMINI GEOTECHNICAL ASSOCIATES, INC.**

*Karen D. Leavitt*

Karen D. Leavitt  
Senior Environmental Geologist

cc. BWSC/NERO  
Coventry Builders, LLC



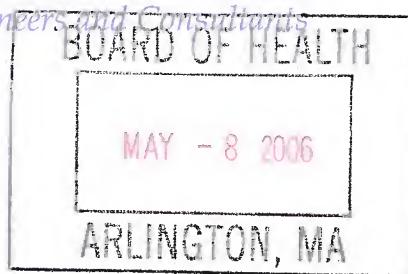


# GEMINI GEOTECHNICAL ASSOCIATES, INC.

Geotechnical and Environmental Engineers and Consultants

May 2, 2006

Board of Health  
Attn: Christine Connolly, Director  
27 Maple Street (Senior Center)  
Arlington, MA 02476



**RE: Notification of Initial Site Investigation and Tier II Classification**

**19 Rear Park Avenue  
Arlington, Massachusetts  
RTN# 3-24864**

Dear Ms. Connolly:

In accordance with 310 CMR 40.1403(3)(e), Gemini Geotechnical Associates, Inc., on behalf of Coventry Builders, LLC, is providing this written notice to you that an Initial Site Investigation has been completed for the above-referenced property. In the Phase 1 Initial Site Investigation and Tier Classification Report, it was concluded that "additional response actions are required at this site prior to the submittal of a Response Action Outcome Statement. Soils at depths ranging from 0 to 7 feet bgs have been contaminated with heavy metals, PCBs, pesticides, VOCs, and PAH, with the highest concentrations detected in the center of the site near the former automotive garage. To date, no groundwater contamination has been detected at the site, and there are no surface water bodies, sediments, or indoor air concerns. Based on the absence of inclusionary criteria and a Numerical Ranking System score of 206, this site is a Tier II site". A copy of the Initial Site Investigation and Tier Classification Report is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-694-3200, or by visiting the northeast file review office located at 205B Lowell Street in Wilmington, Massachusetts. If you have any questions, or require additional information, please contact this office.

Sincerely,  
**GEMINI GEOTECHNICAL ASSOCIATES, INC.**

*Karen D. Leavitt*

Karen D. Leavitt  
Senior Environmental Geologist

cc. BWSC/NERO  
Coventry Builders, LLC

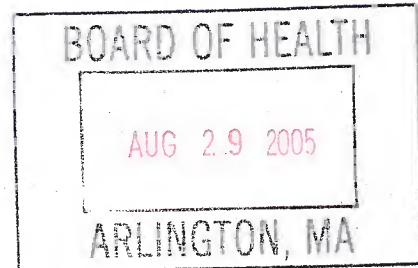


# GEMINI GEOTECHNICAL ASSOCIATES, INC.

Geotechnical and Environmental Engineers and Consultants

August 25, 2005

Board of Health  
Attn: Christine Connolly, Director  
27 Maple Street (Senior Center)  
Arlington, MA 02476



RE: **Implementation of Immediate Response Action**  
**19 Rear Park Avenue**  
**Arlington, Massachusetts**  
**RTN# 3-24864**

Dear Ms. Connolly:

As required in 310 CMR 40.1403(3)(a), Gemini Geotechnical Associates, Inc. on behalf of Coventry Builders, LLC is providing this written notice to you that an Immediate Response Action will be performed for the above-referenced site. This written notification follows an oral notification made on August 24, 2005. The MADEP 2-hour release notification requirements were triggered on May 16, 2005 following the receipt of chemical analyses on surface soil samples at the Disposal Site. A concentration of total PCBs exceeding 10 parts per million was identified in surface soil at the site, which could pose an Imminent Hazard as stated in 310 CMR 40.0321(2)(b). The Immediate Response Action taken to prevent and control this potential Imminent Hazard was the installation of fencing around the entire Disposal Site perimeter, with postings every 50 feet to keep out. An Immediate Response Action Plan to address the elimination of the Imminent Hazard involving the *in-situ* treatment and off-site disposal of all contaminated soils at the Disposal Site was approved by the Massachusetts Department of Environmental Protection on August 22, 2005. A copy of the Immediate Response Action Plan is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-740-0809, or by visiting the northeast file review office located at 35 Congress Street in Salem, Massachusetts. The implementation of the Immediate Response Action also requires the use of chemical protective clothing and a respirator for the personnel applying the agent. Dust control measures are being implemented in the form of soil wetting, and continuous air monitoring will be provided throughout the treatment process. If you have any questions, or require additional information, please contact this office.

Sincerely,  
**GEMINI GEOTECHNICAL ASSOCIATES, INC.**

*Karen D. Leavitt*

Karen D. Leavitt  
Senior Environmental Geologist

cc. BWSC/NERO  
Coventry Builders, LLC



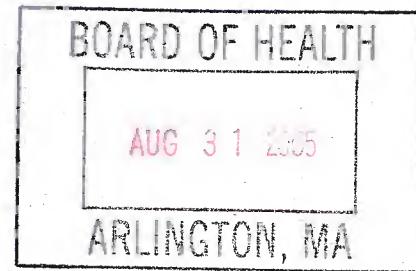
# GEMINI GEOTECHNICAL ASSOCIATES, INC.

*Geotechnical and Environmental Engineers and Consultants*

August 25, 2005

Town Manager  
Attn: Brian F. Sullivan  
Town Hall Annex, First Floor  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: Implementation of Immediate Response Action**  
**19 Rear Park Avenue**  
**Arlington, Massachusetts**  
**RTN# 3-24864**



Dear Mr. Sullivan:

As required in 310 CMR 40.1403(3)(a), Gemini Geotechnical Associates, Inc. on behalf of Coventry Builders, LLC is providing this written notice to you that an Immediate Response Action will be performed for the above-referenced site. This written notification follows an oral notification made on August 24, 2005. The MADEP 2-hour release notification requirements were triggered on May 16, 2005 following the receipt of chemical analyses on surface soil samples at the Disposal Site. A concentration of total PCBs exceeding 10 parts per million was identified in surface soil at the site, which could pose an Imminent Hazard as stated in 310 CMR 40.0321(2)(b). The Immediate Response Action taken to prevent and control this potential Imminent Hazard was the installation of fencing around the entire Disposal Site perimeter, with postings every 50 feet to keep out. An Immediate Response Action Plan to address the elimination of the Imminent Hazard involving the *in-situ* treatment and off-site disposal of all contaminated soils at the Disposal Site was approved by the Massachusetts Department of Environmental Protection on August 22, 2005. A copy of the Immediate Response Action Plan is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-740-0809, or by visiting the northeast file review office located at 35 Congress Street in Salem, Massachusetts. The implementation of the Immediate Response Action also requires the use of chemical protective clothing and a respirator for the personnel applying the agent. Dust control measures are being implemented in the form of soil wetting, and continuous air monitoring will be provided throughout the treatment process. If you have any questions, or require additional information, please contact this office.

Sincerely,  
**GEMINI GEOTECHNICAL ASSOCIATES, INC.**

*Karen D. Leavitt*

Karen D. Leavitt  
Senior Environmental Geologist

cc. BWSC/NERO  
Coventry Builders, LLC

05 AUG 29 2005  
RECEIVED  
TOWN MANAGER  
ARLINGTON, MA

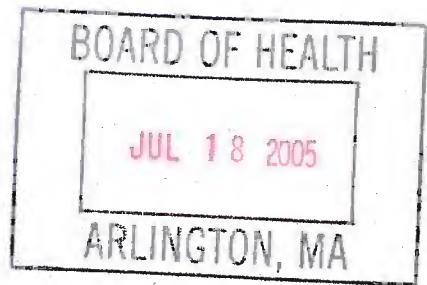


# GEMINI GEOTECHNICAL ASSOCIATES, INC.

Geotechnical and Environmental Engineers and Consultants

July 15, 2005

Board of Health  
Attn: Christine Connolly, Director  
27 Maple Street (Senior Center)  
Arlington, MA 02476



**RE: Submittal of Immediate Response Action Plan**  
19 Rear Park Avenue  
Arlington, Massachusetts  
RTN# 3-24864

Dear Ms. Connolly:

As required in 310 CMR 40.1403(3)(b), Gemini Geotechnical Associates, Inc. on behalf of Coventry Builders, LLC is providing notice to you that an Immediate Response Action has been completed for the above-referenced site, and a more comprehensive Immediate Response Action Plan to address site cleanup has been submitted to the Massachusetts Department of Environmental Protection. The MADEP 2-hour release notification requirements were triggered on May 16, 2005 following the receipt of chemical analyses on surface soil samples at the Disposal Site. A concentration of total PCBs exceeding 10 parts per million was identified in surface soil at the site, which could pose an Imminent Hazard as stated in 310 CMR 40.0321(2)(b). The Immediate Response Action taken to prevent and control this potential Imminent Hazard was the installation of fencing around the entire Disposal Site perimeter, with postings every 50 feet to keep out. An Immediate Response Action Plan to address the elimination of the Imminent Hazard involves the *in-situ* treatment and off-site disposal of all contaminated soils at the Disposal Site. A copy of the Immediate Response Action Plan is available by contacting the file review office of the Northeast Regional Office of the Department of Environmental Protection at 978-740-0809, or by visiting the northeast file review office located at 35 Congress Street in Salem, Massachusetts.

Sincerely,  
**GEMINI GEOTECHNICAL ASSOCIATES, INC.**

*Karen D. Leavitt*

Karen D. Leavitt  
Senior Environmental Geologist

cc. BWSC/NERO  
Coventry Builders, LLC



Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

## Department of Environmental Protection

Metro Boston/Northeast Regional Office

William F. Weld  
Governor

Trudy S. Coxe  
Secretary, EOEA

Thomas B. Powers  
Acting Commissioner

NOV 25 1994

Park Avenue Citgo  
19 Park Avenue  
Arlington, MA 02174

RE: BWP - ARLINGTON  
NONCOMPLIANCE with M.G.L.  
Chapters 21C&111 §142A-J & 21 §43(2)  
310 CMR 30.00, 310 CMR 6.00-8.00

MV6176489875  
SQG-Waste Oil  
Stage II I.D. No. MF0000240  
FMF Facility # 209668  
File No: NON-NE-94-9086-27

Attention: Paul Merjanian

**RE: NOTICE OF NONCOMPLIANCE**

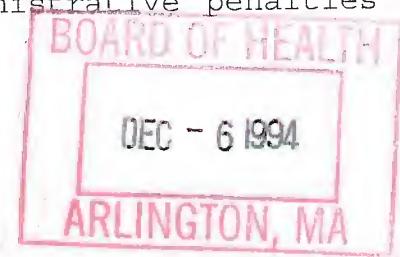
ENCLOSED IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Dear Mr. Merjanian:

Department personnel have observed that on November 15, 1994, activity occurred at Park Avenue Citgo, 19 Park Avenue, Arlington, Massachusetts in noncompliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by the Department.

Enclosed is a Notice of Noncompliance which describes (1) the activity referred to above, (2) the requirements violated, (3) the action the Department now wants you to take, and (4) the deadline for taking such action. An administrative penalty may be assessed for every day from now on that you are in noncompliance with the requirements described in this Notice of Noncompliance.

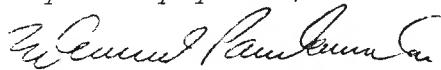
Notwithstanding this Notice of Noncompliance, the Department reserves the right to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative penalties assessed by the Department.



Park Avenue Citgo  
Page -2-

Should you have any questions relative to this matter, contact David Brown of this office at the letterhead address or by calling (617) 932-7600.

Very truly yours,

  
Edward J. Pawlowski  
Chief, Compliance and Enforcement  
Bureau of Waste Prevention

EJP/DJB/pdb

Certified Mail

cc: DEP, One Winter St., Boston, MA 02108  
Fire Dept., 112 Mystic St., Arlington, MA 02174  
Board of Health, 670 R. Mass Ave., Arlington, MA 02174  
DEP, One Winter St., Boston, MA 02108  
Attn: Chris Ayers/Office of Enforcement  
NERO - Pawlowski, Hurlbut, Brown, Natario

Park Avenue Citgo  
Notice of Noncompliance

NOTICE OF NONCOMPLIANCE  
NONCOMPLIANCE SUMMARY

NAME OF ENTITY IN NONCOMPLIANCE: Park Avenue Citgo

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED: 19 Park Avenue, Arlington, Massachusetts

DATE WHEN NONCOMPLIANCE WAS OBSERVED: November 15, 1994

DESCRIPTION OF NONCOMPLIANCE AND OF THE REQUIREMENTS NOT COMPLIED WITH:

Personnel from the Department conducted a compliance inspection at Park Avenue Citgo. The following are the observed violations:

HAZARDOUS WASTE

(1) 310 CMR 30.253(5)(b), (refers to 30.351(8)(a)), (refers to 30.340(1)(b)): The 500-gallon underground tank used to accumulate waste oil was not marked with the required information. The regulation requires that...Each tank or container in which waste oil is being accumulated and each outside container into which smaller containers are packed, shall be clearly marked and labelled throughout the period of accumulation with the following:

- (1) The words "Hazardous Waste";
- (2) The words "Waste Oil";
- (3) The word "Toxic";
- (4) The date upon which each period of accumulation begins, marked on each tank or container at the time accumulation begins in that tank or container. For underground tanks, marks and labels shall be made on the aboveground portion of the tanks, or in close proximity to the tank.

Marks and labels shall be placed on the sides of each tank or container in such a manner that they are clearly visible for inspection.

(2) 310 CMR 30.253(5)(b), (refers to 30.351(8)(a)), (refers to 30.340(1)(a)1.c.), (refers to 30.685(1)): The 500-gallon underground tank of waste oil was found to be open. The regulation requires...a container holding waste oil shall always be closed during storage, except when waste is being added or removed. In the event that Federal, State or local law or regulation requires a container to be vented, the container shall be vented in a manner that does not present a threat to public health, safety or welfare, or the environment.

(3) 310 CMR 30.253(1)(h)1.(a. through f.): Weekly tank gauging is not being conducted on the 500-gallon underground waste oil tank. The regulation requires that...all generators of waste oil and all generators of used oil fuel may accumulate or store waste oil or used oil fuel in an existing underground tank only if the tank is in compliance with the following provisions:

1. Existing waste oil underground storage tanks shall have weekly tank gauging conducted according to the following requirements:
  - a. Tank liquid level measurements are taken at the beginning and ending of a period of at least 24 hours during which no liquid is added to or removed from the tank;
  - b. Level measurements are based on an average of three consecutive stick readings at both the beginning and ending of the period;
  - c. The equipment used is capable of measuring the level of waste oil over the full range of the tank's height to the nearest one-eighth of an inch; and
  - d. A leak is suspected and subject to the requirements of 527 CMR 9.20 and 310 CMR 30.697 if the variation between beginning and ending measurements exceeds the weekly standards or the standards derived from averaging four consecutive weekly tests. (For example, the averaging shall be done as follows: average weeks 1 - 4, average weeks 5 - 8 etc.). The standards are in the following table:

Nominal Tank Capacity Std.	Weekly Standard (one test)	Monthly (avg. of four tests)
550 gallons or less	10 gallons	5 gallons
551 - 1000 gallons	13 gallons	7 gallons
1001 - 2000 gallons	25 gallons	13 gallons

e. The beginning and ending measurements, variation and average figures shall be placed in a log and retained until taken out of service in compliance with 527 CMR 9.22.

f. Tank liquid level measurements shall not be required if a double walled tank with continuous monitoring is utilized.

(4) 310 CMR 30.253(1)(h), (4.a. through 4.c.): The underground waste oil tank was installed in 1986. During the inspection, it was noted that the tank was double walled, but had no leak detection devices. The regulation requires...All existing tanks shall be equipped with one of the following methods of continuous leak detection:

- a. A double walled tank with an approved interstitial space monitor required by 527 CMR 9.08.
- b. An in-tank monitor installed and maintained by a qualified person in accordance with 527 CMR 9.11(2) (b).

c. Testing or monitoring for vapors within the soil gas of the excavation zone. The vapor monitoring system shall detect releases from any portion of the tank that routinely contains the waste oil, and shall be designed and operated to detect any significant increase in concentration above background of waste oil or tracer compound placed in the tank system.

The following schedule shall be required for the upgrade of leak detection devices on existing underground waste oil tanks:

IF THE TANK WAS INSTALLED	LEAK DETECTION REQUIRED BY DEC. 22
Before 1969 or unknown	1990
1970 - 1974	1991
1975 - 1979	1992
1980 - Dec. 1988	1993

(5) 310 CMR 30.253(7): Since the tank does not have leak detection installed in accordance with the upgrade schedule required by 310 CMR 30.253(1)(h)4., but has a spill containment, overfill prevention measures and cathodic protection, the regulation requires that the tank be tightness tested during the 5th, 10th, and 15th year after installation and at five-year intervals thereafter until 1998.

AIR QUALITY

At 10:00 a.m. on November 15, 1994, Department personnel conducted an inspection of the motor vehicle fuel dispensing equipment at the above listed facility. Consequently, your facility was found to be in violation of 310 CMR 7.24(6) for the reason(s) checked as follows:

Dispensing motor vehicle fuel without vapor recovery equipment, [see 310 CMR 7.24(6)(b)].

Failing to install certified equipment, [see 310 CMR 7.24(6)(c) 1.].

Vapor recovery system is not operating properly, [see 310 CMR 7.24(6)(c) 1.].

Failing to train station operators, [see 310 CMR 7.24(6)(c) 3.].

Vapor Recovery Equipment is damaged, [see 310 CMR 7.24(6)(c) 4.].

Failing to install signs to show how to properly use the vapor recovery system, [see 310 CMR 7.24(6)(c) 5.].

X       Failing to place an "Out of Order" sign on an inoperative dispenser, [see 310 CMR 7.24(6)(c) 6.] .

                 Failing to prohibit use of dispenser with an inoperative (or nonexistent) vapor recovery system, [see 310 CMR 7.24(6)(c) 7.] .

                 Failing to install and operate vapor recovery equipment by the appropriate deadline, [see 310 CMR 7.24(6)(d)] .

                 Altering or modifying the vapor recovery equipment, [see 310 CMR 7.24(6)(e)] .

                 Failing to maintain a continuous record, [see 310 CMR 7.24(6)(f)] .

**ACTION TO BE TAKEN, AND THE DEADLINE FOR TAKING SUCH ACTION:**

**HAZARDOUS WASTE**

(1) Immediately upon receipt of this Notice, mark the above referenced containers with the required information. Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.

(2) Immediately upon receipt of this Notice, close all containers accumulating waste oil, and continue to keep them closed except when waste is being added or removed. Within thirty (30) days of your receipt of this Notice, this office must be in receipt of written confirmation that this has been done, and will continue to be done.

(3) through (5) Immediately upon receipt of this Notice, bring the above referenced tank(s) into full compliance with weekly testing, annual tightness testing, and leak detection regulations. As an alternative, you may choose to remove the tank(s) from service. Within thirty (30) days of your receipt of this Notice, this office shall be in receipt of written confirmation along with supporting documentation that the tank is in compliance with the referenced regulations, or has been removed from service.

**AIR QUALITY**

(1) Effective immediately upon receipt of this Notice, Park Avenue Citgo shall only dispense, or allow the dispensing of, motor vehicle fuel at its 19 Park Avenue, Arlington, Massachusetts facility in compliance with Regulation 310 CMR 7.24(6) .

Park Avenue Citgo  
Notice of Noncompliance  
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(2) Within fourteen (14) days of receipt of this Notice, Park Avenue Citgo, 19 Park Avenue, Arlington, Massachusetts shall submit in writing to this Office a description of all steps it has taken or will take in order to ensure compliance with the above cited Regulation.

DATE: November 23, 1994

Edward J. Pawlowski  
Edward J. Pawlowski  
Chief, Compliance and Enforcement  
Bureau of Waste Prevention

David J. Brown  
David J. Brown  
Environmental Analyst

Certified Mail